

Analysis of a sample of the article showed that it consisted essentially of stearic acid, water, buttermilk, and a small amount of borax. The contents of the tube were found to weigh approximately $2\frac{1}{2}$ ounces avoirdupois.

The article was alleged to be misbranded in that certain statements in a leaflet entitled "Howard's Buttermilk Cream Soap," and in a leaflet entitled "How to Beautify With Howard's Butybring Products Howard's Buttermilk Cream," enclosed in the carton containing the article, represented and suggested that it would be effective to clear the skin and would clear and revivify a neglected or impoverished skin; that it would smooth wrinkles and make old, hardened, coarse skin become fresh, soft, and youthful looking; that it would keep the skin in perfect condition; that it would smooth and clear dull and lifeless complexions; and that it would build up the throat, were false and misleading since the article would not be effective for such purposes. It was alleged to be misbranded further in that it was in package form and its label failed to bear an accurate statement of the quantity of the contents, since the statement on the carton, "Net Wgt. $1\frac{3}{4}$ Oz.," was incorrect.

On November 21, 1942, the Howard Bros. Chemical Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled by correcting the carton labeling and removing the enclosed leaflets, under the supervision of the Food and Drug Administration.

108. Misbranding of Vita-Ray Vitamin Cream. U. S. v. 86 Jars, 12 Jars, and 8 Jars of "Vita-Ray Vitamin Cream." Consent decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 4475. Sample No. 56763-B.)

On April 25, 1941, the United States attorney for the Southern District of New York filed a libel against 86 4-ounce jars, 12 8-ounce jars, and 8 16-ounce jars of Vita-Ray Vitamin Cream at New York, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about January 28 to April 2, 1941, by the Vita Ray Corporation from Lowell, Mass.; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted essentially of mineral oil and waxes, emulsified with water by means of borax, and lightly perfumed. It was essentially a perfumed cold cream. Biological examination showed that it contained 5 U. S. P. units of vitamin D per gram.

The article was alleged to be misbranded in that the following statements, "Vita-Ray Sun-Ray VITAMIN CREAM * * * Just as vitamins help make a healthy body, so they help make a beautiful skin. Vita-Ray Cream brings directly to your skin Vitamins A and D and gives the skin a soft, radiant smoothness," were false and misleading since they represented that the article was of superior cosmetic value because of the presence of vitamins, whereas the presence of vitamins would not beneficially affect its cosmetic value; and since they represented that it would be efficacious for the purposes recommended, whereas it would not be efficacious for such purposes.

On October 16, 1942, the sole intervenor having withdrawn its answer and consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be delivered to a public institution for use of the inmates.

109. Misbranding of corrective texture cream and revitalized formula cream. U. S. v. 118 Jars and 89 Jars of Corrective Texture Cream and 630 Jars and 421 Jars of Revitalized Formula Cream. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 13004. Sample Nos. 51098-F, 51099-F.)

On July 20, 1944, the United States attorney for the Eastern District of Pennsylvania filed a libel against 118 jars, each containing $2\frac{1}{2}$ ounces, and 89 jars, each containing $7\frac{1}{2}$ ounces, of corrective texture cream, and 630 jars, each containing $2\frac{1}{2}$ ounces, and 421 jars, each containing $7\frac{1}{2}$ ounces, of revitalized formula cream at Philadelphia, Pa., alleging that the articles had been shipped by the Florita Laboratories, Inc., from New York, N. Y., within the period from on or about November 10, 1943, to June 15, 1944; and charging that the articles were misbranded. The articles were labeled in part: (Jars) "Madame Olga Pataky Corrective Texture Cream [or "A re-vitalized formula"]."

Analyses showed that both articles consisted essentially of petrolatum, lanolin, and water, with small amounts of borax and perfume.

The corrective texture cream was alleged to be misbranded in that the statements appearing on its label, "Corrective Texture Cream * * * Corrective

Texture Cream helps to refine dry, lined or roughened skin to satin smoothness. * * * If skin is very dry or lined apply revitalized formula," were false and misleading since the article would not be effective in correcting the texture of the skin or the removal of lines.

The revitalized formula was alleged to be misbranded in that the following statements appearing on its label, "A re-vitalized formula * * * Before re-tiring apply over corrective texture cream, especially where lines are prominent. Particularly recommended for an aging neck," were false and misleading since the article would not be effective in the removal of lines or signs of aging neck, nor would it revitalize the areas of the skin where such signs were present.

On August 30, 1944, Madam Olga Pataky, Philadelphia, Pa., having appeared as claimant and admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

110. Misbranding of Miracle Aid for Wrinkles. U. S. v. 21 Bottles, 40 Bottles, and 10 1/4 Dozen Bottles of Miracle Aid for Wrinkles, and 50 Circulars. Default decrees of condemnation and destruction. (F. D. C. Nos. 11801, 12875, 12876. Sample Nos. 57239-F, 63481-F, 63486-F, 70030-F.)

On or about February 16 and July 7 and 15, 1944, the United States attorneys for the District of New Jersey, the District of Utah, and the Northern District of Georgia filed libels against 21 bottles of Miracle Aid for Wrinkles at Newark, N. J., 10 1/4 dozen bottles of the same product at Atlanta, Ga., and 40 bottles of the product and 50 circulars at Salt Lake City, Utah, alleging that the product had been shipped within the period from on or about November 27, 1943, to June 7, 1944, by Miracle Products, from Chicago, Ill.; and charging that it was misbranded.

Examination of samples of the article showed that it consisted essentially of water with small amounts of protein, such as egg white, and salt, and perfume.

The article was alleged to be misbranded in that certain statements in its labeling, on the bottle label, and in the circulars entitled "For the Preservation and Enhancement of Beauty," which accompanied the article when it was introduced and while it was in interstate commerce, were false and misleading since they represented and suggested that the article would be effective in removing wrinkles and double chin and would supply skin tissue protein to the body, whereas it would not be effective for such purposes.

It was alleged that the circulars which were the subject of seizure as part of the labeling of the article at Salt Lake City had been shipped in interstate commerce from Chicago, Ill., by Miracle Products on or about February 4, 1944, the article having been shipped on or about February 14, 1944.

It was alleged in the libel filed with respect to the lot seized at Newark that the circulars in that lot accompanied the article when introduced into and while in interstate commerce in the following manner: The Miracle Products (Mac Printing Co., Chicago, Ill., consignor) shipped the circulars on or about November 24, 1943, and on November 27, 1943, shipped the Miracle Aid for Wrinkles to Newark, where the cosmetic and the circulars were brought together for distribution to purchasers; and that the joint shipment and receipt of the cosmetic and the circulars relating thereto for joint distribution constituted a transaction in interstate commerce between the shipper and the consignee whereby the circulars accompanied the article when it was introduced and while it was in interstate commerce.

On April 17, August 8, and September 30, 1944, no claimant having appeared, judgments of condemnation were entered and the product, including the circulars in the Salt Lake City lot, was ordered destroyed.

111. Misbranding of Quinine Scalp Rub. U. S. v. 40 Jugs of Quinine Scalp Rub. Default decree of condemnation and destruction. (F. D. C. No. 11134. Sample No. 47670-F.)

On November 18, 1943, the United States attorney for the Eastern District of Illinois filed a libel against 40 1-gallon jugs of an article invoiced as Quinine Scalp Rub and located at East St. Louis, Ill., alleging that it had been shipped in interstate commerce on or about July 27 and August 5, 1943, by the Collins Laboratories, Inc., St. Louis, Mo.; and charging that it was misbranded. The article was unlabeled when shipped.

It was alleged to be misbranded in that it was a cosmetic in package form and, when shipped, failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count.